

REMARKS

Status of the Claims

Claims 1, 3-6, 8, 9, and 15-25 (Currently Amended)

Claims 2, 7, and 10-14 (Original)

Priority Claim

The Examiner has noted that the present application claims the benefit of a provisional application that does not support claims 6, 7, 15, 20, and 23-25 and has further noted that a nonprovisional application cannot be a continuation-in-part of a provisional application. As suggested by the Examiner, Applicant has amended the priority claim to indicate that the present application is a continuation-in-part of copending U.S. Patent Application 10/039,634 entitled FAULT DETECTION AND ISOLATION SYSTEM AND METHOD and filed on November 9, 2001, which claims the benefit of U.S. Provisional Patent Application No. 60/247,289 entitled FAULT DETECTION AND ISOLATION SYSTEM AND METHOD and filed on November 9, 2000.

Claim Objections

The Examiner has objected to claim 9 because it is missing the word "wherein" after "the system of claim 8." Applicant has amended claim 9 to include the word "wherein." Applicant respectfully submits amended claim 9 overcomes the Examiner's objection.

Claim Rejections under 35 U.S.C. § 112

The Examiner has rejected claims 4, 5, and 23-25 under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Applicant has amended the claims as suggested by the Examiner. Applicant respectfully submits amended claims 4, 5, and 23-25 overcome the Examiner's rejections.

Claim Rejections Based on Conflicts with Application No. 10/039,636

The Examiner has noted that claims 1-6, 8-20, and 22 conflict with claims 1-12 and 14-17 of Application No. 10/039,636. The Examiner has provisionally rejected claims 1-6 and 8-20 under 35 U.S.C. § 101 as claiming the same invention as that of claims 1-12 and 14-17 of copending Application No. 10/039,636. Applicant has amended independent claims 1, 8, and 16 as well as related dependent claims to indicate that the system and method of the present invention may be applied to any transport device. As indicated on pg., 6, l. 20 to pg. 7, l. 2 of Applicant's specification, the system and method of the present invention may be applied to transport devices such as automobiles, trucks, earth movers, cranes, bulldozers, tanks, airplanes, ships, or railroad cars. Applicant respectfully submits that as a result of the amendments to claims 1, 3-5, 8, and 15-25, none of the pending claims conflict with the claims of copending Application No. 10/039,636. Applicant further respectfully submits that the claim amendments overcome the provisional rejection under 35 U.S.C. § 101.

Claim Rejections under 35 U.S.C. § 102

The Examiner has further rejected claims 16-20 and 23-25 under 35 U.S.C. § 102(e) as being anticipated by Tseng (U.S. Pat. 6,144,904). Applicant has amended claim 16 to include the limitations of independent claims 1 and 8. Specifically, Applicant has amended claim 16 to indicate that a transport device in accordance with the present invention comprises a plurality of fault detector units for each of a plurality of residual evaluation units that provide data to a supervisor unit. Applicant respectfully submits that amended claim 16 patentably defines the present invention. Applicant has further amended claims 17-25 for consistency with amended claim 16. Applicant respectfully submits amended claims 16-25 overcome the Examiner's rejections.

Allowed Claims

The Examiner has indicated claims 1-15 and 21-22 are distinguishable over the prior art of record. In order to overcome the Examiner's provisional rejection of the claims under 35 U.S.C. § 101, Applicant has amended independent claims 1, 8, and 16 to indicate that the system and method of the present invention may be applied to any transport device. Applicant respectfully submits that amended claims 1, 8, and 16, claims 2-7 which depend from claim 8, and claims 9-15 which depend from claim 8, and claims 21 and 22 which depend from claim 16 are distinguishable over the prior art and are allowable as written.

Conclusion

Applicant has amended the claims to remove any conflict with the claims of copending Application No. 10/039,636 and to overcome the prior art of Tseng.

Applicant respectfully submits the present application is in condition for allowance.

Such action is earnestly requested.

Respectfully submitted,

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